

10/009, 542.

COISE

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: January 9, 2007

Alice Sutanandi  
Alice Sutanandi

PATENT  
942640-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,087,097  
Issued: August 8, 2006  
Inventor: Jurgen Karl  
Title: Facility For The Gasification Of Carbon-  
Containing Feed Materials

Mail Stop: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Certificate of Correction Branch

**Certificate**

JAN 19 2007

**of Correction**

REQUEST FOR CERTIFICATE OF CORRECTION  
OF ASSIGNEE'S NAME ON PATENT – APPLICANT'S MISTAKE  
(37 C.F.R. § 1.323)

1. Patentee hereby requests a Certificate of Correction to correct the assignee's name on the above-identified patent. Please correct the assignee's name on the above-identified patent to list the following:

BIOAGE GMBH  
AM LOHMÜHLBACH 21, 85356 FREISING, GERMANY

01/17/2007 CCHAU1 00000056 500639 7087097

01 FC:1811 100.00 EA

JAN 19 2007

2. Attached hereto, in duplicate, is Form PTO/SB/44 (also Form PTO-1050), with at least one copy being suitable for printing.

3. The enclosed Decision Dismissing Petition Under 37 C.F.R. § 3.81(b) includes authorization for the Certificates of Correction Branch to issue the Certificate of Correction.

4. Please send the Certificate to:

Brian M. Berliner  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, California 90071-2899

5. The Commissioner is authorized to charge \$100.00 pursuant to 37 C.F.R. § 1.20(a) and any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-0639.

6. A duplicate of this paper is attached.

Respectfully submitted,



Brian M. Berliner  
Attorney for Applicant  
Registration No. 34,549

Date: January 9, 2007

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, California 90071-2899  
Telephone: 213-430-6000

Enclosures:

- (1) Certificate of Correction (duplicate)
- (2) Copy of Patent No. 7,087,097
- (3) Copy of Decision Dismissing Petition Under 37 CFR 3.81(b)

JAN 19 2007

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,087,097

APPLICATION NO.: 10/009,542

ISSUE DATE : August 8, 2006

INVENTOR(S) : Jurgen Karl

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(73) Assignee: BIOAGE GMBH  
Freising, Germany

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Brian M. Berliner, O'MELVENY & MYERS LLP  
400 S. Hope St., Los Angeles, CA 90071-2899  
Telephone No.: 213-430-6486; Facsimile No.: 213-430-6407

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

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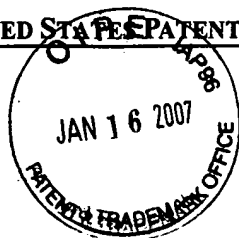
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BRIAN M BERLINER, ESQ  
O'MELVENY & MYERS, LLP  
400 SOUTH HOPE STREET  
LOS ANGELES CA 90071-2899

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DEC 15 2006

OFFICE OF PETITIONS

In re Patent No. 7,087,097  
Issued: August 8, 2006  
Application No. 10/009,542  
Filed: June 3, 2002  
Attorney Docket No. 942640-18

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:  
: DECISION DISMISSING PETITION  
: UNDER 37 CFR 3.81(b)  
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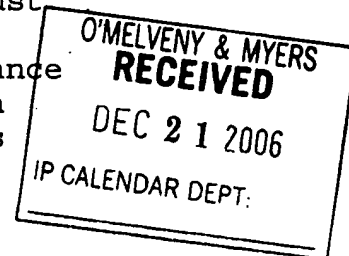
This is a decision on the petition, filed August 7, 2006, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is dismissed.

Petitioner states that the correct assignee's name is BIOAGE GMBH and that an incorrect assignee's name was unintentionally included on Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.



The instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by

O'Melveny & Myers LLP

File: 942640-18

Action Item: REM. REQ. CERT. OF CORRECT.

Date Due: 1/15/07

Critical Date: 1/15/07

Attorney Path: BMB MM

Docketed By: BR 12/21/06

Verified By: PS 12-22-06

<sup>1</sup> See Official Gazette of June 22, 2004

3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to BIOAGE GMBH has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that BIOAGE GMBH was the assignee of record at the time of issuance of the instant application into a patent. Note also 35 U.S.C. § 152.

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth BIOAGE GMBH, as the assignee. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision must accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.



Karen Creasy  
Petitions Examiner  
Office of Petitions